

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	
BRIAN HOWARD,	)	
	)	No. 14 CR 537-1
Defendant,	)	
	)	Judge Feinerman
and	)	
	)	
FIDELITY INVESTMENTS,	)	
	)	
Third Party Citation Respondent.	)	

**MOTION FOR TURNOVER ORDER**

The United States, by Zachary T. Fardon, United States Attorney for the Northern District of Illinois, moves this court for a turnover order, and in support states as follows:

1. Judgment in the captioned matter was entered in favor of the United States and against the defendant on September 11, 2015. As of January 21, 2016, the defendant has an outstanding balance of \$4,507,187.01.

2. The United States may use any federal or state procedure to enforce the judgment. 18 U.S.C. §§ 3613(a) and (f). A citation to discover assets directed to the respondent was issued on the judgment on December 3, 2015 and served on the respondent on December 8, 2015. The defendant was served on December 8, 2015 with statutory notice.

3. Pursuant to the citation to discover assets, the respondent answered on January 4, 2016. A copy of the answer is attached as Exhibit A. In its answer, the respondent stated that at the time the citation was served, the respondent had in its possession or under its control, property belonging to the defendant, Brian Howard. Based upon the respondent's answer, the United States is entitled to \$73,737.86, or the liquidated value of the account, which represents

the defendant's nonexempt interest in Harris Corporation Retirement Plan being held by the respondent. 18 U.S.C. § 3613(a) and 26 U.S.C. § 6334.

4. The Clerk of the Court collects all payments on monetary penalties imposed in criminal cases; accordingly, all payments should have 14 CR 537-1 written in the lower left corner of the check and be submitted to:

Clerk of the Court  
U.S. District Court, Northern District of Illinois  
219 South Dearborn Street, 20th Floor  
Chicago, Illinois 60604

5. The United States has provided all notices required by law.

WHEREFORE, the United States moves for entry of a turnover order directing the respondent, Fidelity Investments, to submit to the Clerk of the Court \$73,737.86, or the liquidated value of the account, which represents the defendant's nonexempt interest in Harris Corporation Retirement Plan, to be applied to the defendant's outstanding judgment.

Respectfully submitted,

ZACHARY T. FARDON  
United States Attorney

By: s/ Scott D. Heffron \_\_\_\_\_  
SCOTT D. HEFFRON  
JOSEPH A. STEWART  
Assistant United States Attorneys  
219 South Dearborn Street  
Chicago, Illinois 60604  
(312) 886-4190  
scott.heffron@usdoj.gov

**Harris Corporation Retirement Plan****Account Statement**

January 1, 2012 - December 22, 2015

BRIAN W HOWARD

Participant Service Center: 1-877-320-4015  
 To make changes to your account or for any questions,  
 representatives are available 8:30 AM-12:00 AM ET M-F.  
 Access your account on line at [www.netbenefits.com/harris](http://www.netbenefits.com/harris)

**A Message From Harris Corporation**

To make changes to your account or for questions about this statement, visit the website at [www.netbenefits.com/harris](http://www.netbenefits.com/harris) or contact a Customer Service Representative at 1-877-320-4015.

**Your Account Summary**

<b>Beginning Balance</b>	<b>\$42,980.74</b>
Your Contributions	8,282.41
Company Contributions	4,141.32
Exchange In	20,005.13
Exchange Out	-20,005.13
Loans	-55,000.00
Loan Repayments	32,250.66
Fees	-316.25
Dividends	1,280.19
Change in Market Value	40,118.79
<b>Ending Balance</b>	<b>\$73,737.86</b>

**Additional Information**

Vested Balance	\$73,737.86
Outstanding Loan Balance	\$0.00

Loans are an asset of your account but are not included in your ending balance.

**Your Personal Rate of Return**

This Period 97.1%

Your Personal Rate of Return is calculated with a time-weighted formula, widely used by financial analysts to calculate investment earnings. It reflects the results of your investment selections as well as any activity in the plan account(s) shown. There are other Personal Rate of Return formulas used that may yield different results. Remember that past performance is no guarantee of future results.

**Your Asset Allocation**

Stocks 100%

Your investments are currently allocated among the displayed asset classes. Percentages and totals may not be exact due to rounding.

The Additional Fund Information section lists the allocation of your blended funds.

EXHIBIT A

Please read this statement carefully. Any error must be reported to Fidelity Investments within 90 days.